

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADE A. HAMZA; and MORENIKE HAMZA,

No. C 12-1391 CW

Plaintiffs,

ORDER GRANTING  
PLAINTIFFS

v.

ADDITIONAL TIME TO  
RESPOND TO  
DEFENDANTS' MOTION  
TO DISMISS,  
ADDRESSING PROOF  
OF SERVICE AND  
CONTINUING CASE  
MANAGEMENT  
CONFERENCE

U.S. BANK NATIONAL ASSOCIATION;  
TERRY J. MOLLIKA; NANCY L.  
DOUGLAS; EUGENE J. CHIARELLI;  
CHIARELLI & MOLLIKA, LLP;  
HOMEWARD RESIDENTIAL, INC.; DAVID  
MARQUEZ; A.H.M.S., INC.; MATTHEW  
A. ENGEL; PREMIER TRUST DEED  
SERVICES, INC.; SAND CANYON  
CORPORATION, formerly known as  
OPTION ONE MORTGAGE CORPORATION;  
TANYA HOPKINS; DAVID M.  
APPELGATE; HOMEOWNERS FIRST, LLC;  
JOHN G. STUMPF; WELLS FARGO BANK,  
N.A.; JOSEPH C. GALLAGHER; STEVEN  
G. ROGERS; and LARRY MATNEY,

Defendants.

On February 22, 2012, Plaintiffs Morenik and Ade A. Hamza  
initiated this action in the Alameda County Superior Court.

On March 20, 2012, Defendant Chiarelli & Mollica LLP, joined  
by Defendants Terry J. Mollica, Eugene J. Chiarelli and Nancy L.  
Douglas, removed the case to federal court.

On May 31, 2012, Defendants Sand Canyon Corporation, formerly  
known as Option One Mortgage Corporation, Dale Sugimoto, and  
Matthew Engel filed a motion to dismiss the complaint.  
Plaintiffs' response was due by June 18, 2012. See Federal Rule  
of Civil Procedure 6(d); Civil Local Rule 7-3(a).

Plaintiffs have not yet filed a response to Defendants'  
motion to dismiss. The Court grants Plaintiffs until one week

1 from the date of this Order to do so. Plaintiffs' failure to file  
2 a response in compliance with this Order will result in the  
3 dismissal of their claims against these Defendants for failure to  
4 prosecute.

5 The Court notes that it does not appear from the docket that  
6 Plaintiffs have served Defendants U.S. Bank National Association,  
7 Homeward Residential, Inc., David Marquez, A.H.M.S., Inc., Premier  
8 Trust Deed Services, Inc., Tanya Hopkins, David Appelgate,  
9 Homeowners First, LLC, John G. Stumpf, Wells Fargo Bank, N.A.,  
10 Joseph C. Gallagher, Steven G. Rogers and Larry Matney. "In the  
11 case of a removed action, a plaintiff must serve the summons and  
12 complaint within 120 days of the date of removal to federal  
13 court." Cortez v. New Century Mortg. Corp., 2011 U.S. Dist. LEXIS  
14 127434, at \*22 (N.D. Cal.). Thus, Plaintiffs must serve the  
15 remaining Defendants by July 18, 2012. Plaintiffs shall file  
16 proof of timely service upon these Defendants by July 20, 2012.  
17 If Plaintiffs fail to do so, their claims against these Defendants  
18 will be dismissed for failure to prosecute.

19 The case management conference currently set for June 27,  
20 2012 is hereby continued to Thursday, August 22, 2012 at 2:00 p.m.

21 IT IS SO ORDERED.

22  
23 Dated: 6/20/2012

24   
25 CLAUDIA WILKEN  
26 United States District Judge  
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